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January 3, 2000

U.S. Department of Transportation Docket
Docket No. FAA-99-5927
400 Seventh Street S.W.
Washington, D.C. 20590

Re; Docket No. FAA-99-5927 - *ATK*

Gentlemen:

SUMMARY

This letter is my second response to the proposed rulemaking entitled: Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area (Docket No. FAA-99-5927; Notice No. 99-12) with regards to data that is being collected for this rulemaking. I am responding to this proposed rule because I believe that both the Office of Management and Budget (OMB) and the Federal Aviation Administration (FAA) are not enforcing and/or complying with the requirements of the Paperwork Reduction Act (PRA). OMB is allowing you, the FAA, to use outdated data when more current data **that has been collected** from air tour operators is available. As long as you, the FAA, continue to use old data and OMB does not require you to use the most currently available data, then the results shown in your regulatory evaluation, integrated noise model, and environmental impact assessment may be inappropriate and may lead you to make incorrect decisions (In short, if I were an air tour operator who has been submitting data to you on a timely basis, then I would expect you to use that data in your decision-making process.).

ANALYSIS


In September 1999, I submitted a letter to you on the proposed rulemaking entitled: Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area (Docket No. FAA-99-5927; Notice No. 99-12). This letter dealt with the use of old data for program information and policy development. I have since learned that the FAA in their regulatory evaluation, integrated noise model, environmental impact assessment and their decision-making process is not using the most currently available data to them. Specifically, I have learned that a large amount of untabulated data that has been submitted by air tour operators is still sitting at the FAA regional field offices. If this is the case, then I don't see the **most current** information being used for program

information or policy development. Finally, since the final rule has not been published, there should be adequate time to analyze this new untabulated data that these air tour operators have been required to submit.

CONCLUSION

Air tour operators have provided you, the FAA, information on the number of air tours that they have been conducting in the Grand Canyon National Park. They have provided this information as required by section 93.917. However, you have used old data in your regulatory evaluation, environmental impact assessment, and integrated noise model. I am aware of more current data that you have and that can be used for program information or policy development. I would expect that you would use the most currently available data in the final regulatory evaluation and integrated noise model for program information and policy development.

Yours truly,



Clayton Kelb

Cc: OMB Transportation Desk Officer
OMB Docket Office